



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER

61 FORSYTH STREET

ATLANTA, GEORGIA 30303-8960

ELECTRONIC MAIL

CONFIRMATION OF EMAIL RECEIPT REQUESTED

Kalyn Gilleon
Jeff's Pool and Spa Service
170 Key Circle Drive
Brunswick, Georgia 31520
jpsbilling@jeffspoolspa.com

Re: Jeff's Pool and Spa Service
FIFRA Notice of Warning
Case File No. FIFRA-04-2023-0801

Dear Kalyn Gilleon:

The U.S. Environmental Protection Agency has obtained evidence indicating that Jeff's Pool and Spa Service appears to be in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). On November 22, 2021, an inspector authorized by the EPA conducted an inspection at Jeff's Pool and Spa Service located at 170 Key Circle Drive, Brunswick, Georgia 31520 to determine compliance with FIFRA and the regulations promulgated thereunder.

Photographs and sales records collected during the inspection documented the sale or distribution of AquaGuard Chlorinating Sanitizer (EPA Reg. No. 33458-23) by Jeff's Pool and Spa Service. Upon review of the product label, the EPA determined the label collected does not match the EPA approved master label. Specifically, the label does not contain "Winterizing Pools" underneath the "Swimming Pool Water Disinfection" section. A copy of the current, EPA-approved master label may be accessed from the Pesticide Product Label System at <https://ordspub.epa.gov/ords/pesticides/f?p=PPLS:1>.

Pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), it is unlawful for any person in any State to distribute or sell to any person any pesticide which is misbranded. Based on sales records collected during the inspection, the EPA alleges that Jeff's Pool and Spa Service sold or distributed AquaGuard Chlorinating Sanitizer on at least five occasions.

In response to the potential violation of FIFRA at the facility, the EPA is issuing this Notice of Warning (NOW) to Jeff's Pool and Spa Service pursuant to FIFRA Section 9(c)(3), 7 U.S.C. § 136g(c)(3). The EPA has determined at this time that a NOW is the appropriate enforcement response for the company's apparent violation of FIFRA, provided that within 30 days of the receipt of this NOW, you or another authorized official of Jeff's Pool and Spa Service submits a signed statement indicating that compliance with FIFRA has been achieved and identifying the actions taken to achieve compliance with the requirements set forth above. If this statement is not submitted and/or compliance is not achieved, the EPA may initiate a more formal enforcement action which could include the filing of a complaint and

the assessment of a civil penalty. The statement may be submitted by email to tonkovich.kimberly@epa.gov and mailed to:

Kimberly Tonkovich
Pesticides Enforcement Section
Enforcement and Compliance Assurance Division
U.S. EPA, Region 4
61 Forsyth Drive, S.W.
Atlanta, Georgia 30303-8960

In the event that the EPA decides to initiate a more formal enforcement action, you will be notified in writing and provided an opportunity to meet with the EPA or conduct a conference call to present any facts, evidence or arguments as to why the EPA should not initiate such action.

Since your company may be classified as a small business, you may want to review the Information Sheet "U.S. EPA Small Business Resources," which can be found on the internet at: www.epa.gov/compliance/small-business-resources-information-sheet. This document will provide you with information regarding compliance and rights you may be entitled to under the Small Business Regulatory Enforcement Fairness Act.

If you have any questions about this letter, and/or would like to discuss the above-stated findings by the EPA, or would like a copy of the Information Sheet, please contact Kimberly Tonkovich, of my staff, at (404) 562-8987 or by email at tonkovich.kimberly@epa.gov.

Sincerely,

Kimberly L. Bingham
Chief
Chemical Safety and Land Enforcement Branch

cc: Jennifer Wren; Georgia Department of Agriculture (jennifer.wren@agr.georgia.gov)